

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**JAMES P. KARTELL  
Petitioner**

**Civil Action No. 04-10917-WGY**

v.

**BRIAN BURGWINKLE  
Respondent**

**MOTION TO SUBSTITUTE  
PAUL RUANE FOR BRIAN BURGWINKLE AS RESPONDENT**

Pursuant to Rule 2(a) of the Rules Governing Section 2254 Proceedings for the United States District Courts, undersigned counsel hereby respectfully moves the Court to substitute Paul Ruane for Brian Burgwinkle as respondent in the above-captioned matter. Pursuant to Rule 2(a), only the superintendent of the institution where the petitioner is incarcerated may be properly named as a respondent. *See* 28 U.S.C. § 2254 Rule 2(a). Presently, the name of the superintendent of Pondville Correctional Center, where the petitioner is held, is Paul Ruane. Consequently, undersigned counsel respectfully requests that this Court substitute Paul Ruane for Brian Burgwinkle as the respondent.

Respectfully submitted,

THOMAS F. REILLY  
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